

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LATOYA RIPPY	:	CIVIL ACTION
	:	
v.	:	NO. 19-1839
	:	
PHILADELPHIA DEPARTMENT OF	:	
PUBLIC HEALTH, <i>et al.</i>	:	

ORDER

AND NOW, this 30th day of September 2019, upon considering the Defendants' Motions to dismiss (ECF Doc. Nos. 28, 29, 30), Plaintiff's Responses in opposition (ECF Doc. Nos. 31, 32, 33), Defendant Gerard's Reply (ECF Doc. No. 34), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. The City's Motion to dismiss (ECF Doc. No. 30) is **GRANTED in part** and **DENIED in part**:

a. The Title VII claims based on the joint employment theory may proceed into discovery against the City;

b. We dismiss the section 1983 claims for discrimination and retaliation against the City under *Monell* without prejudice and with leave to timely file a third amended Complaint to possibly plead these claims consistent with Fed. R. Civ. P. 11 on or before **October 10, 2019**;

c. We dismiss Ms. Rippy's section 1981 claims against the City with prejudice;


2. Public Health Management Corporation and its employees' partial Motion to dismiss (ECF Doc. No. 29) is **GRANTED** and we dismiss Ms. Rippy's section 1983 claims against them without prejudice and with leave to timely file a third amended Complaint to possibly plead these claims consistent with Fed. R. Civ. P. 11 on or before **October 10, 2019**;

3. Mr. Gerard's Motion to dismiss (ECF Doc. No. 28) is **GRANTED**:

a. With prejudice as to section 1981 claims against him; but,

b. Without prejudice to Plaintiff timely filing a third amended Complaint on or before **October 10, 2019** compliant with Fed. R. Civ. P. 11 to plead Mr. Gerard's potential liability under *Bivens* or a concert of action theory; and,

4. Defendants shall answer the remaining allegations on **October 18, 2019**, unless the filing of an answer is excused by the Plaintiff's filing of a third amended Complaint consistent with this Order.



KEARNEY, J.